

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

T.Y.,¹

Plaintiff,

v.

LELAND DUDECK,

Defendant.

Case No. [24-cv-06159-PHK](#)

**ORDER TO SHOW CAUSE
REGARDING FAILURE TO
PROSECUTE AND FAILURE TO
COMPLY WITH COURT ORDERS**

INTRODUCTION

On August 28, 2024, *pro se* Plaintiff T.Y. (“Plaintiff”) filed a complaint seeking judicial review of a final decision by the Commissioner of the Social Security Administration, Defendant Leland Dudeck (“Commissioner”), denying Plaintiff’s application for supplemental security income. [Dkt. 1]. On November 6, 2024, the Court granted Plaintiff’s application to proceed *in forma pauperis* and completed the mandatory screening of Plaintiff’s complaint, in accordance with 28 U.S.C. § 1915. [Dkts. 9-10]. On January 6, 2025, the Commissioner filed the Administrative Record, in accordance with Rule 4 of the Supplemental Rules for Social Security Actions. [Dkt. 11]. By operation of the procedural rules, Plaintiff’s brief for the requested relief was due within thirty days of the filing of the administrative record. *See* Dkt. 2. To date, Plaintiff has neither filed an opening brief nor requested a further extension of time from the Court to do so. The February 5, 2025 deadline for filing an opening brief has passed by over a month without

¹ In actions involving requested review of a decision by the Commissioner of the Social Security Administration, the Court generally uses the first name and initial of last name (or just both initials) of the plaintiff in the Court’s public Orders out of an abundance of caution and out of regard for any privacy concerns on plaintiff’s behalf.

any communication from Plaintiff to the Court.

DISCUSSION

The Court possesses the inherent power to dismiss an action *sua sponte* if a plaintiff fails to prosecute or comply with court orders. Fed. R. Civ. P. 41(b); *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962) (dismissal for failure to prosecute); *Yourish v. Cal. Amplifier*, 191 F.3d 983, 987 (9th Cir. 1999) (dismissal for failure to comply with court orders). Plaintiff is hereby warned that failure to comply with this Court's orders and failure to prosecute this case, including failure to respond to this Order to Show Cause and further including failure to file an opening brief by the new deadline below, will result in negative consequences for Plaintiff, **including dismissal of this action.**

Accordingly, by no later than **April 11, 2025**, Plaintiff shall file with the Court **either** (1) an opening brief as required by Supplemental Rule 6, **or** (2) a written response to this Order explaining why this action should not be dismissed for failure to prosecute this case or for failure to comply with this Court's directives and orders. If Plaintiff needs yet additional time to prepare and file an opening brief, Plaintiff **SHALL** file with the Court (before the April 11, 2025 deadline) to request any such additional time, including an explanation as to why more time is needed and how much additional time is needed. If Plaintiff fails to respond to this Order to Show Cause by the April 11, 2025 deadline, the Court **WILL** issue an order dismissing this case without prejudice for failure to prosecute and for failure to comply with court orders without further notice.

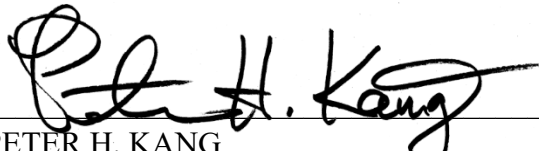
ADVISEMENT OF *PRO SE* RESOURCES

Plaintiff is **ADVISED** that there are several resources for *pro se* litigants. The Court makes available a guide for *pro se* litigants called *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*, which provides instructions on how to proceed at every stage of a case in general (not all the information in that guide is applicable to a Social Security appeal such as this case). This guide is available electronically online at https://www.cand.uscourts.gov/wp-content/uploads/2020/02/Pro_Se_Handbook_2020ed_links_12-2021_MBB.pdf or in hard copy free of charge from the Clerk of Court's Office. The Court additionally has a webpage with resources for *pro se* litigants: <https://www.cand.uscourts.gov/pro-se-litigants/>. The Court has a

webpage of Tips for *Pro Se* Filers, as well: <https://www.cand.uscourts.gov/pro-se-litigants/tips-for-pro-se-filers/>.

IT IS SO ORDERED.

Dated: March 17, 2025



PETER H. KANG
United States Magistrate Judge

United States District Court
Northern District of California